

Message Text

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ACTION ACDA-12

INFO OCT-01 IO-13 ISO-00 ACDE-00 SOE-02 AF-10 ARA-10
CIAE-00 DODE-00 EA-10 EUR-12 PM-05 H-01 INR-10
L-03 NASA-01 NEA-10 NSAE-00 NSC-05 OIC-02 SP-02
PA-01 DOE-15 SAS-02 CEQ-01 OES-09 SS-15 ICA-11
SMS-01 NRC-05 /169 W
-----111051 251919Z /47

P 251850Z AUG 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 3526

C O N F I D E N T I A L GENEVA 12934

E.O. 11652: GDS
TAGS: PARM, US, UR
SUBJECT: US-USSR ARMS CONTROL WORKING GROUP ON RW/MDW:
USDEL PROPOSED AMENDMENTS TO ELEMENTS 2 AND 3

RW MESSAGE NO. 11

REF: A. GENEVA 11593, B. STATE 110409, C. STATE 208099

1. ON BASIS AUGUST 24 PLENARY (SEPTTEL), IT APPEARS THAT
AGREEMENT ON KEY ELEMENTS 1-5 RW CONVENTION FAIRLY CLOSE
SUBJECT TO CHANGES OUTLINED THIS TEL.

2. FOR REASONS STATED BELOW, USDEL RECOMMENDS LANGUAGE
ELEMENT 2 BE REVISED TO INCLUDE THE TERM "WEAPON" AT THE
BEGINNING OF PARA (1) AND READ AS FOLLOWS: (BEGIN TEXT)
FOR THE PURPOSE OF THIS CONVENTION, THE TERM "RADIOLOGI-
CAL WEAPON" MEANS (1) ANY WEAPON, EQUIPMENT OR DEVICE,
OTHER THAN A NUCLEAR EXPLOSIVE DEVICE, SPECIFICALLY
DESIGNED TO DELIVER OR DISSEMINATE RADIOACTIVE MATERIALS
FOR THE PURPOSE OF CAUSING DESTRUCTION, DAMAGE OR INJURY
BY MEANS OF THE RADIATION PRODUCED BY THE DECAY OF SUCH
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MATERIAL, OR (2) ANY RADIOACTIVE MATERIAL, OTHER THAN THAT
PRODUCED BY A NUCLEAR EXPLOSIVE DEVICE, SPECIFICALLY
DESIGNED TO CAUSE, WHEN DELIVERED OR DISSEMINATED, DES-
TRUCTION, DAMAGE OR INJURY BY MEANS OF THE RADIATION PRO-
DUCED BY ITS DECAY. (END TEXT)

3. ALTHOUGH THE ADDITION OF THE WORD "WEAPON" AS PROPOSED

ABOVE DOES INTRODUCE SOME REDUNDANCY, THE FACT IS THAT THE LANGUAGE INTRODUCED BY THE US LAST AUGUST DID INCLUDE THAT WORD. DESPITE OUR EXPLANATIONS TO THE CONTRARY, THE SOVIETS APPEAR TO BELIEVE THAT OMISSION OF THAT WORD MIGHT EXCLUDE FROM THE COVERAGE OF THE CONVENTION CATEGORIES OF DEVICES COMMONLY CALLED "WEAPONS," E.G., SHELLS, BOMBS, AND WARHEADS, THAT MIGHT BE USED FOR DELIVERY OF RADIOLOGICAL MATERIAL. OUR ARGUMENT THAT THE PHRASE "ANY EQUIPMENT OR DEVICE" IS BROAD ENOUGH TO COVER "WEAPONS" APPEARS STRAINED TO THE SOVIETS IN VIEW OF THE NORMAL MEANING OF WORDS. THE PROPOSED ADDITION WOULD NOT AFFECT THE EXCLUSION CLAUSE AND THUS WOULD CONTINUE TO PROTECT US INTEREST IN AVOIDING COUNCIL INSPECTION OF SENSITIVE TECHNOLOGY, AND USDEL ORIGINAL RECOMMENDATION AGAINST IT WAS FOR STYLISTIC AND TACTICAL RATHER THAN SUBSTANTIVE REASONS. WE UNDERSTAND WASHINGTON'S CONCURRENCE IN THAT RECOMMENDATION WAS FOR SIMILAR REASONS, WHICH WE NOW REGARD AS OUTWEIGHED BY OTHER CONSIDERATIONS. USDEL WOULD PROPOSE, THEREFORE, PUTTING FORWARD LANGUAGE CONTAINED IN PARA 2 ABOVE UNLESS PROMPTLY INSTRUCTED OTHERWISE.

4. DELEGATION RECOMMENDS AMENDING US ELEMENT 3 LANGUAGE BY INSERTING WORD "ALSO" BEFORE "UNDERTAKES" AND PHRASE "NOT PROHIBITED UNDER ELEMENTS 1 AND 2, OTHER THAN THAT PRODUCED BY A NUCLEAR EXPLOSIVE DEVICE" IN LIEU OF "NOT SPECIFICALLY DESIGNED AS A WEAPON". AS AMENDED, THE
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LANGUAGE WOULD READ:

(BEGIN TEXT) EACH STATE PARTY TO THE CONVENTION ALSO UNDERTAKES NOT TO USE ANY RADIOACTIVE MATERIAL NOT PROHIBITED UNDER ELEMENTS 1 AND 2, OTHER THAN THAT PRODUCED BY A NUCLEAR EXPLOSIVE DEVICE, FOR THE PURPOSE OF CAUSING DESTRUCTION, DAMAGE, OR INJURY BY MEANS OF THE RADIATION PRODUCED BY ITS DECAY. (END TEXT)

5. OUR PROPOSED LANGUAGE IS DESIGNED TO MAKE ELEMENT 3 A GENERAL PROHIBITION ON ALL MATERIAL THAT SHOULD BE COVERED RATHER THAN TRYING TO TAILOR IT SPECIFICALLY TO THOSE MATERIALS NOT COVERED IN ELEMENT 2. THUS, WE CAN AVOID ARGUMENTS ABOUT THE DISTINCTION BETWEEN MATERIAL PRODUCED AS THE RESULT OF "PEACEFUL ACTIVITIES" AND MATERIAL NOT "DESIGNED AS A WEAPON" AND TAKE CARE OF THE SOVIET ARGUMENT THAT IT IS DIFFICULT TO DISTINGUISH BETWEEN "SPECIFICALLY DESIGNED" AND "NOT SPECIFICALLY DESIGNED" MATERIAL.

6. USDEL WILL CONTINUE TO OPPOSE SOVIET TEXT ON GROUND THAT IT DOES NOT GIVE ADEQUATE CONSIDERATION TO THE

POSSIBLE USE OF RADIOACTIVE MATERIALS RESULTING FROM MILITARY ACTIVITIES UNRELATED TO NUCLEAR EXPLOSIONS, SUCH AS USE OF RADIOACTIVE MATERIAL PRODUCED BY NAVAL PROPULSION REACTORS OR, MORE REALISTICALLY AS FAR AS MOST COUNTRIES CONCERNED, WASTE FROM OTHER MILITARY REACTORS, SUCH AS RESEARCH OR POWER REACTORS. WE BELIEVE PROPOSED NEW US LANGUAGE COVERS PROBLEM MORE EFFECTIVELY THAN PRIOR US LANGUAGE AND DOES NOT AFFECT ADVERSELY US INTERESTS.

7. DELEGATION RECOMMENDS AUTHORIZATION PROCEED AS INDICATED PARA 4 SOONEST.

VANDEN HEUVEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISARMAMENT, AMENDMENTS, COMMITTEES, MDW, ADVANCED WEAPONS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA12934
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780349-0054
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780824/aaaaauci.tel
Line Count: 127
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 5f38105c-c288-dd11-92da-001cc4696bcc
Office: ACTION ACDA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 GENEVA 11593, 78 STATE 110409, 78 STATE 208099
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03 aug 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1624215
Secure: OPEN
Status: NATIVE
Subject: US-USSR ARMS CONTROL WORKING GROUP ON RW/MDW: USDEL PROPOSED AMENDMENTS TO ELEMENTS 2 AND 3 RW
MESSAGE NO. 11
TAGS: PARM, US, UR
To: STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/5f38105c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014